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C O R R E C T E D C O P Y (DECL)

SIPDIS

NOUAKCHOTT FOR AMBASSADOR BOULWARE AND DCM DENNIS HANKINS

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SUBJECT: DEADLOCK OVER HIGH STATE COUNCIL THREATENS TO
UNDERMINE DAKAR ACCORD

CLASSIFIED BY: AMBASSADOR MARCIA S. BERNICAT FOR REASONS
1.4 (B) AND (D)

1. (C) Summary: Implementation of the June 4 Dakar Accord calling for the formation of a National Unity Government, President Abdallahi's resignation, and the organization of elections on July 18 has come to a standstill due to disagreements over the future of the extra-constitutional military organization that was responsible for the August 2008 coup (known as High State Council or HSC). The opposition insists that President Abdallahi's resignation - and Mauritania's return to constitutional rule - depend on the HSC's dissolution or transformation into a constitutional organ accountable to a civilian authority. Nevertheless, in their eagerness to reach an agreement, negotiators left this point out of the Dakar Accord and promised to solve it privately before President Abdallahi's resignation. After two weeks of unfruitful negotiations headed by Senegalese Foreign Minister Cheikh Tidiane Gadio and President Wade, General Ould Abdel Aziz's camp denied on June 18 this "gentleman's agreement" ever existed and initially refused to discuss the HSC, claiming that dissolving it or placing it under civilian authority would undermine Mauritanian security and defense. Talks hosted in Senegal by Gadio resulted in a deadlock on June 21 when Aziz's representative refused to agree to a one sentence communique on the HSC. The statement, which was accepted by the opposition despite falling short of their demands, said the HSC would change its name and work under the authority of the transitional government. The future of the Dakar Accord and a Mauritanian political transition to democratic rule are now in jeopardy. All the parties remained in Dakar, however, in an apparent desire to not return to Nouakchott without this side agreement resolved. End summary.

THE BONE OF CONTENTION

12. (C) Senegalese Foreign Minister Cheikh Tidjane Gadio and members of the International Contact Group (ICG) resumed talks with representatives of the parties to the Mauritanian crisis on June 20 in Dakar to mediate an agreement regarding the HSC. U.S. Ambassador to Senegal Bernicat and Embassy Nouakchott's PolOff Sola-Rotger attended the talks. General Aziz, who originally declined to participate, sent a delegation headed by businessman Mohamed Yahya Ould Mohamed Horma. (Comment: Ould Horma, a businessman close to Aziz's cousin and powerful banker Ould Bouamatou, replaced Aziz's campaign director and former negotiator Ould Raiss, perceived by many Aziz hard-liners as too conciliatory. End comment.) The Front National pour la Defense de la Democratie (FNDD) and President Abdallahi were represented by FNDD co-president Mohamed Ould Maouloud and Mohamed Abderrahmane Ould Moine represented Ahmed Ould Daddah's Rassemblement des Forces Democratiques (RFD). The ICG includes representatives of the United Nations, the Organisation Internationale de la Francophonie (OIF), the Organization of the Islamic Conference (OIC), the African Union (AU), the European Commission (EC), and the European Union (EU) (represented in this round initially by the Swedish Ambassador to Senegal and then the Spanish Ambassador). The French Ambassadors to Mauritania and Senegal, Burkina Faso's Ambassador to Mauritania, the Senegalese Ambassador to Mauritania, Russia's Charge to Senegal, and the UK Ambassador to Senegal were also present. The Arab League did not attend this round.

13. (C) Gadio opened the meeting by explaining that implementation of the Dakar Accord had been blocked for almost a week because the parties disagreed on the future

status of the High State Council (HSC). Gadio said this question had been left out of the original agreement because it was politically sensitive and the parties agreed could be more successfully addressed separately. President Wade worked directly with General Aziz and President Abdallahi to find a solution before President Abdallahi's resignation. The opposition and President Abdallahi insisted on the dissolution of this extra-constitutional organ responsible for the coup d'etat as a condition for President Abdallahi's resignation, which would restore Mauritania to constitutional rule. Gadio explained the parties were very close to a solution but could not agree on the statement's wording. Earlier, Abdallahi insisted the HSC had to be "dissolved" whereas Aziz wanted it "replaced."

14. (C) Gadio stressed the purpose of the latest meeting was to agree on one or two paragraphs to complement the Dakar Accord that would be acceptable to all the parties and would allow them to move forwards with implementation, which had been delayed for a total of two weeks. He successfully insisted that no other part of the accord would be reopened for discussion, including the July 18 election.

15. (C) Gadio invited the three parties to the crisis to propose a solution. General Aziz's negotiator Ould Horma continued to argue that the HSC's status was not part of the agreement. He denied there was a "gentleman's agreement" between the parties to discuss "unwritten clauses" and asked the group to focus on the agreement itself, which is "straightforward" and contains "well defined sequential measures." General Aziz's camp, he said, does not want to discuss the status of the HSC as they deem this organ necessary and crucial to national security. He claimed that since Aziz's resignation, the HSC has been exclusively devoted to defense and security.

16. (C) The FNDD's Ould Maouloud representing Abdallahi accused General Aziz of acting in bad faith and highlighted all the ways in which he was attempting to undermine the agreement. He explained Aziz had failed to liberate the political prisoners without bail as agreed by the parties in Dakar. (Comment: Mauritanian businessmen, including Aziz's cousin Ould Bouamatou, had to pay bail for former

Prime Minister Ould Waghef and other political detainees involved in the Air Mauritania scandal because Aziz refused to release them if the court's bail requirement was not respected. Aziz claimed they were corruption suspects while the FNDD claimed they were political prisoners. The liberation without bail of the detainees was another informal agreement reached outside the Dakar Accord. End comment.) Ould Maouloud also accused Aziz of not giving the opposition equal access to state media and of insisting on keeping Prime Minister Waghef as the head of the Government of National Unity despite the opposition's reluctance to accept someone who had been closely involved in the coup. Maouloud stated that all who participated in the Dakar talks knew that the parties had agreed the HSC be left out of the agreement for later discussion and stressed Aziz's attitude was contrary to consensus and democratic rule. According to Maouloud, the ultimate proof that Aziz accepted to discuss the fate of the HSC is that he has been in conversations with President Wade for the past two weeks, noting he offered to dissolve the HSC and then changed his mind. Maouloud also criticized former Aziz representative Ould Raiss June 19 statements giving the parties an ultimatum by saying that Aziz would "take measures if the National Unity Government was not formed in the next 48 hours." Maouloud reminded the group that the Accord explicitly requires the parties to take consensual actions.

17. (C) Representative Ould Moine stated the RFD thought that if the deposed President had to resign as a condition to return Mauritania to constitutional rule, then the extra-constitutional organ that caused the coup also had to disappear to give rise to a national unity government. (Comment: The RFD refused to accept Abdallahi's legitimacy and did not support his return to resign. They came around only recently and now have declared their solidarity with the FNDD. End comment). He agreed with Ould Maouloud that the negotiators had purposely promised to resolve the HSC issue before Abdallahi's resignation. According to Moine, the HSC is a political problem and it should be dissolved or "constitutionalized." The solution, according to him, is for the HSC to disappear as an independent extra-constitutional structure and to be placed under the power of the transitional government. Moine explained Aziz's camp was refusing to comply for political reasons as Aziz wanted to show the population that he was still "the strong man."

THE DEVIL IS IN THE DETAILS

18. (C) Gadio spent the evening negotiating with the parties and invited ICG members to meet again the morning of June 21 for final discussions. He pressed talk participants to conclude the talks by noon as many were traveling to the ECOWAS Summit in Abuja. ICG members returned the next day to find out the parties had not reached an agreement. Gadio explained Aziz's party would accept to change the HSC's name but refused any formulation bringing it under civilian control. After extensive discussions with each party, Gadio proposed an HSC name change and to limit its function to security matters under the authority of the National Unity Government. He proposed a statement to this effect to be released as an HSC communique. The Ambassador of France to Mauritania pointed out the ICG had two options: make the HSC acceptable to all the parties until the election or "constitutionalize it" right away, but stated "constitutionalizing" the HSC would be a difficult and time-consuming endeavor. The French and Spanish Ambassadors proposed language that would be acceptable to the HSC, and the Spanish Ambassador stated no language that would implicate civilian involvement in security matters through the Minister of Defense or the Interior would be acceptable to Aziz. (Note: In the Government of National Unity, the FNDD and RFD have been assigned the ministries

of defense and the interior. End note.) The ICG then proposed to all three representatives the following: "The HSC takes the name Superior State Council and accomplishes its missions within the framework of the constitution and the laws of the Republic, under the authority of the Government of National Union upon its formation." Gadio asked ICG members to put pressure on the parties to accept it.

¶9. (C) Ould Horma proposed to modify the text to state that the HSC would "accomplish its mission within the framework of the transitional government, the constitution and the law." This change was unacceptable to the FNDD and RFD. They argued it legitimized the HSC as an independent organ that made decisions about its future and placed itself above the constitution by excluding an explicit reference to work "under the authority" of the government.

¶10. (C) The ICG agreed it was unacceptable for Aziz's representatives to deny the basic principle of military accountability to a civilian government, and agreed the statement had to make clear the organ operated "under the

authority" of either the president or the government. Finally, Gadio proposed six alternative statements and the ICG members chose one that would be presented to the three representatives. The statement proposed was: "The High State Council takes the name Superior Council of National Defense and accomplishes its mission under the authority of the Government of National Union within the framework of the constitution and the laws of the republic."

¶11. (C) FNDD and RFD representatives finally accepted the revised statement, although they expressed reservations. Ould Maouloud of the FNDD told ICG members he was disappointed that the international community had not been able to negotiate the dissolution of the HSC but said he would accept a compromise. He pointed out that the statement was a cosmetic change for the HSC and remained substantially under the government controlled by Aziz's group, as they had named the Prime Minister and the President.

¶12. (C) Horma surprised the group by restating Aziz's initial position that the HSC was not part of the Accord and that he "could only offer to do his best to convince the HSC to change names." He thought it was unwise to "embarrass" a military institution that was bound to disappear after the election. He stressed Aziz would only accept a statement if it omitted any reference that the HSC would work under the government's authority.

¶13. (C) Horma's statement caused deep consternation in the room. Gadio declared this position would close the talks and said there was nothing more that could be done. Many ICG members expressed their disapproval at the parties' unwillingness to compromise over words, particularly since the national unity government would only be in place for less than a month. Ambassador Bernicat said Aziz's representatives were being disingenuous in denying there had been an informal agreement to discuss the HSC at the sidelines because she had been part of the Dakar negotiations since day one and knew there had been one. She also strongly criticized their arguments as specious that placing the military under the government's oversight would undermine national security. The group agreed to meet the next day to draft a communique but Gadio agreed to the OIC representative's request to give Aziz's camp time to think about their decision. Gadio also confirmed President Wade would call Aziz to negotiate.

THE LONG WAIT

¶14. (C) Gadio and the remaining members of the ICG met on June 22 to discuss next steps. Gadio said he was "surprised" at the importance the HSC had for the

opposition given the transitional nature of the government. Nevertheless, he acknowledged they were right "in principle" to be concerned about leaving the HSC outside a constitutional framework. Gadio repeated the Mauritanian constitution puts its security organs under the oversight of the president. He had convinced the FNDD and the RFD to accept a name change and to give up influence on State security through the Ministry of the Interior or the Ministry of Defense to reassure Aziz's camp. He advised the ICG not issue a statement as he thought there was still hope an agreement could be reached and asked the group to reconvene in the afternoon (Septel).

¶15. (C) Ambassador and PolOff asked Gadio in private if he thought Aziz was letting the accord fail because he was not sure he would win the election and to prevent his cousin Colonel Ely Vall from running. If the Dakar Accord

falls apart, Aziz could decide to move forward with elections with the candidates approved by the electoral commission for the June 6 election, leaving Vall ineligible to run. Gadio said the international community should focus on moving the agreement forward instead of the details of "tribal politics," but warned the Ambassador that the French had threatened to issue a statement supporting Aziz and endorsing elections if an agreement could not be reached soon.

¶16. (C) Comment: Given the consensual nature of the Dakar Accord and the mechanism it seeks to establish, the nature of the HSC has become a central issue because of the absence of an agreement regarding its status under the transitional government. Military involvement in politics is at the core of Mauritania's political crisis. The vicious circle of coup d'etats will only end when the military agrees to submit to civilian authority. The opposition's electoral prospects are less significant than theirs. They hope the international community would help them drive the political process back into a constitutional framework. France and Spain, however, appear to have lost their pride in the unique ICG identity that resulted in the Dakar Accord, as negotiations drag on in favor of expediency to protect their bilateral security and commercial interests. Despite their position of weakness, the opposition prevented Aziz from consolidating his power in the last ten months and forced him, along with those members of the international community still willing to impose sanctions, to make concessions to earn a veneer of legitimacy. His acceptance of the HSC concession depends on which he values most at this point: legitimacy or political expediency. His decision is now heavily influenced by non-explicit French support and the emergence of a credible electoral foe. End Comment.

BERNICAT